## STATE OF ILLINOIS SECRETARY OF STATE SECURITIES DEPARTMENT

IN THE MATTER OF: SALVADOR ALMONTE ) FILE NO. 1100270

## **NOTICE OF HEARING**

TO THE RESPONDENT:

Salvador Almonte (CRD#: 496858) 89 South 9<sup>th</sup> Street Brooklyn, New York

Salvador Almonte (CRD#: 496858)

C/o John Thomas Financial 14 Wall Street, 23<sup>rd</sup> Floor

New York, New York 100005

You are hereby notified that pursuant to Section 11.F of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act") and 14 Ill. Adm. Code 130, Subpart K, a public hearing will be held at 69 West Washington Street, Suite 1220, Chicago, Illinois 60602, on the 21<sup>st</sup> day of December, 2007 at the hour of 10:00 a.m. or as soon as possible thereafter, before James L. Kopecky Esq. or such other duly designated Hearing Officer of the Secretary of State.

Said hearing will be held to determine whether an Order shall be entered denying Salvador Almonte's (the "Respondent") registration as a salesperson in the State of Illinois and/or granting such other relief as may be authorized under the Act including but not limited to the imposition of a monetary fine in the maximum amount pursuant to Section 11.E(4) of the Act, payable within ten (10) business days of the entry of the Order.

The grounds for such proposed action are as follows:

1. That on June 10, 2011, John Thomas Financial, a registered dealer, filed a Form U-4 application for registration of the Respondent as a salesperson in the State of Illinois pursuant to Section 8 of the Act.

- 2. That on June 1, 2011, FINRA entered a Letter of Acceptance, Waiver And Consent (AWC) submitted by the Respondent regarding File No. 20090180472-01 Which sanctioned the Respondent as follows:
  - a. suspension from associating with any FINRA member in any and all capacities for fifteen (15) business days; and
  - b. \$5,000 fine.
- 3. That the AWC found:

## <u>OVERVIEW</u>

On or about April 13, 2009, the Respondent effected a purchase in an El account belonging to customers EN and DN without their knowledge, authorization, or consent.

## FACTS AND VIOLATIVE CONDUCT

On or about April 13, 2009, while associated with ("El") Asset Management, the Respondent purchased 500 shares of Direxion Daily Financial Bull 3X (Symbol: FAS) exchange traded fund ("ETF") in the El account belonging to customers EN and DN without their knowledge, authorization, or consent. This purchase of 500 shares of FAS resulted in a deduction of \$4,914 from EN's and DN's account.

By reason of the foregoing, the Respondent violated FINRA Rule 2010.

- 4. That Section 8.E(1)(j) of the Act provides, inter alia, that the registration of a salesperson may be denied if the Secretary of State finds that such Salesperson has been suspended by any self-regulatory organization Registered under the Federal 1934 Act or the Federal 1974 Act arising from Any fraudulent or deceptive act or a practice in violation of any rule, regulation or standard duly promulgated by the self regulatory Organization.
- 5. That FINRA is a self-regulatory organization as specified in Section 8.E(1)(j) of the Act.
- 6. That by virtue of the foregoing, the Respondent's registration as a Salesperson in the State of Illinois is subject to denial pursuant to Section 8.E (1)(j) of the Act.

You are further notified that you are required pursuant to Section 130.1104 of the Rules and Regulations (14 ILL. Adm. Code 130) (the "Rules"), to file an answer to the allegations outlined above within thirty (30) days of the receipt of this Notice. A failure to file an answer within the prescribed time shall be construed as an admission of the allegations contained in the Notice of Hearing.

Furthermore, you may be represented by legal counsel; may present evidence; may cross-examine witnesses and otherwise participate. A failure to so appear shall constitute default, unless any Respondent has upon due notice moved for and obtained a continuance.

A copy of the Rules, promulgated under the Act and pertaining to hearings held by the Office of the Secretary of State, Securities Department, is included with this Notice.

Delivery of Notice to the designated representative of any Respondent constitutes service upon such Respondent.

Dated: This 19th day of October 2011.

JESSE WHITE
Secretary of State
State of Illinois

Attorney for the Secretary of State: Daniel A. Tunick Office of the Secretary of State Illinois Securities Department 69 West Washington Street, Suite 1220 Chicago, Illinois 60602 Telephone: (312) 793-3384

Hearing Officer: James L. Kopecky